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4 LEWIS BRISBOIS BISGAARD & SMITH LLP  
6385 S. Rainbow Boulevard, Suite 600  
5 Las Vegas, Nevada 89118  
TEL: 702.893.3383  
6 FAX: 702.893.3789  
Attorneys for Defendant  
7 BLAKE ROBERT FUHRIMAN and  
DP CURTIS TRUCKING  
8

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA  
11

12 ELIZABETH BRACY,

13 Plaintiff,

14 vs.

15 BLAKE ROBERT FUHRIMAN;  
individually; DP CURTIS TRUCKING,  
16 INC., Utah Corporation; DOES I-X,  
inclusive,  
17

Defendants.  
18

CASE NO.:

19 NOTICE OF REMOVAL OF ACTION (DIVERSITY)

20 COME NOW, Defendants BLAKE ROBERT FUHRIMAN and DP CURTIS  
21 TRUCKING, INC. ("Defendants"), by and through their counsel, Josh Cole Aicklen, Esq.  
22 and Stephen L. Titzer, Esq. of LEWIS BRISBOIS BISGAARD & SMITH LLP, and remove  
23 the State Court action described below to Federal Court and in support state as follows:

24 1. On January 7, 2020, an action was commenced in the Eighth Judicial  
25 District Court, Clark County, State of Nevada, entitled Bracy v. Fuhriman, et al., Case No.  
26 A-20-808041-C ("State Court Action"). A copy of the Complaint; Affidavit of Service Re:  
27 DP CURTIS TRUCKING, INC.; and Affidavit of Service Re: BLAKE ROBERT  
28 FUHRIMAN; are attached hereto and marked as Exhibits A, B, and C.

1           2.     On January 22, 2020, the Summons and Complaint were served on  
2 Defendant BLAKE ROBERT FUHRIMAN.

3           3.     On January 22, 2020, the Summons and Complaint were served on  
4 Defendant DP CURTIS TRUCKING, INC.

5           4.     On February 13, 2020, the case became removable based on service on  
6 the Defendants BLAKE ROBERT FUHRIMAN and DP CURTIS TRUCKING, INC., and  
7 the notice of the Defendants' residency in Utah at the time of the filing of the Complaint,  
8 the Plaintiff's medical records, and the Plaintiff's demand seeking the recovery of  
9 damages in excess of \$75,000.00, pursuant to 28 U.S.C. §1446(b)(3).

10          5.     This is a civil action of which this Court has original jurisdiction under 28  
11 U.S.C. §1332, as there is complete diversity between the parties and I am informed and  
12 believe that more than \$75,000.00 is in controversy, exclusive of interest and costs.  
13 Plaintiff alleges that as a result of the subject event, she sustained severe and permanent  
14 personal injury and suffered damages in the form of general damages, medical bills,  
15 emotional distress, loss of enjoyment of life, costs of suit, property damage, attorney fees  
16 and interest in excess of \$75,000.00, as per the representations made by her attorneys  
17 by serving correspondence and payment demand. Accordingly, pursuant to 28 U.S.C.  
18 §1441, Defendants are entitled to remove this action to this court.

19          6.     This case arises out of a claim for a negligence claim for personal injury,  
20 and I am informed and believe that Plaintiff seeks to recover in excess of \$75,000.00,  
21 exclusive of interest and costs, based on the alleged past medical specials and demand  
22 made by Plaintiff well in excess of \$75,000.00.

23          7.     Plaintiff ELIZABETH BRACY is a citizen of Nevada.

24          8.     Defendant BLAKE ROBERT FUHRIMAN is a citizen of Utah.

25          9.     Defendant DP CURTIS TRUCKING, INC. is and was at the time this action  
26 commenced a foreign corporation with its headquarters in Utah and its principle place of  
27 business in Utah.

By /s/ Josh Cole Aicklen  
JOSH COLE AICKLEN  
Nevada Bar No. 007254  
STEPHEN L. TITZER  
Nevada Bar No. 008289  
6385 S. Rainbow Boulevard, Suite 600  
Las Vegas, Nevada 89118  
Attorneys for Defendant  
BLAKE ROBERT FUHRIMAN and  
DP CURTIS TRUCKING

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of Lewis Brisbois Bisgaard & Smith LLP and that on this 5 day of March, 2020, I served a true copy of the NOTICE OF REMOVAL OF ACTION (DIVERSITY) via electronic service by the U.S. District Court CM/ECF system to the parties with an email-address on record, as follows:

Joshua U. Aldabbagh, Esq. BOLEY & ALDABBAGH, LTD. 1900 E. Bonanza Road Las Vegas, Nevada 89101 Telephone: 702-435-3333 Fax: 702-475-6567 <a href="mailto:joshua@bandafirm.com">joshua@bandafirm.com</a> Attorneys for Plaintiff ELIZABETH BRACY	
---	--

By /s/ Adrina Harris  
 An Employee of  
 LEWIS BRISBOIS BISGAARD & SMITH LLP

INDEX OF EXHIBITS

- A. Complaint filed January 7, 2020
- B. Affidavit of Service Re: DP Curtis Trucking, Inc. filed February 11, 2020
- C. Affidavit of Service Re: Blake Robert Fuhrman filed February 11, 2020

# **EXHIBIT A**

**Complaint filed January 7, 2020**

**EXHIBIT A**

Electronically Filed  
1/7/2020 2:24 PM  
Steven D. Grierson  
CLERK OF THE COURT



COM

JOSHUA U. ALDABBAGH, ESQ.  
Nevada Bar No. 11896

**BOLEY & ALDABBAGH, LTD.**

1900 E. Bonanza Rd.  
Las Vegas, Nevada, 89101

Phone: (702) 435-3333

Facsimile: (702) 475-6567

Email: joshua@bandafirm.com

*Attorneys for Plaintiff*

CASE NO: A-20-808041-C  
Department 23

**DISTRICT COURT**

**CLARK COUNTY NEVADA**

ELIZABETH BRACY,

Plaintiff,

v.

BLAKE ROBERT FUHRIMAN,  
individually; DP CURTIS TRUCKING,  
INC., a Utah Corporation; DOES I -X, and  
DOE ORGANZATIONS XI-XX, inclusive,

Defendants.

Case No. :

Dept. No. :

**COMPLAINT**

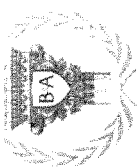
**EXEMPT FROM  
ARBITRATION**

COMES NOW, Plaintiff, ELIZABETH BRACY, (hereinafter "BRACY") by and through  
her attorney, JOSHUA U. ALDABBAGH, ESQ., of BOLEY & ALDABBAGH, LTD., for her cause  
of action against Defendants, hereby complains, avers, and alleges as follows:

1. That at all times mentioned herein, Plaintiff, ELIZABETH BRACY (hereinafter  
"Plaintiff"), is and was a resident of Clark County, State of Nevada.

2. That upon information and belief, at al times relevant hereto, Defendant, BLAKE  
ROBERT FUHRIMAN (hereinafter "FUHRIMAN") is and was a resident of Monroe, Utah.

THE LAW OFFICES OF  
BOLEY &  
ALDABBAGH



1           3.       Plaintiff is informed, believes and thereon alleges that Defendant, DP CURTIS  
2 TRUCKING, INC. (herein after "DP CURTIS"), was and is a Utah Corporation authorized to, and  
3 doing business in, Clark County, Nevada.

4           4.       The true names and capacities, whether individual, corporate, associate, co-  
5 partnership, or otherwise of Defendant DOES I-X are unknown to Plaintiff who therefore alleges  
6 that each Defendant designated DOE is responsible in some manner for the offense and happenings  
7 referred to in this action and proximately caused the damages to Plaintiff as herein alleged. The legal  
8 responsibility of said DOES I-X, arises out of, but is not limited to, their status as owners, as is their  
9 maintenance and/or entrustment of the vehicle which the defendant was operating at the time of the  
10 accident referred to in this Complaint, and/or their agency, master/servant or joint venturer  
11 relationship with said Defendants. Plaintiff will request leave of Court to amend this Complaint to  
12 insert the true names and capacities of said Defendants when the same have been ascertained, to join  
13 such Defendants in this action and to assert the appropriate allegations.  
14

15           5.       The true names and capacities, whether individual, corporate, associate, co-  
16 partnership, or otherwise of Defendant DOE ORGANIZATIONS XI-XX are unknown to Plaintiff  
17 who therefore alleges that each Defendant designated DOE ORGANIZATION is responsible in  
18 some manner for the offense and happenings referred to in this action and proximately caused the  
19 damages to Plaintiff as herein alleged. The legal responsibility of said DOE ORGANIZATIONS XI-  
20 XX, arises out of, but is not limited to, their status as owners, as is their maintenance and/or  
21 entrustment of the vehicle which the defendant was operating at the time of the accident referred to  
22 in this Complaint, and/or their agency, master/servant or joint venturer relationship with said  
23 Defendants. Plaintiff will request leave of Court to amend this Complaint to insert the true names  
24 and capacities of said Defendants when the same have been ascertained, to join such Defendants in  
25 this action and to assert the appropriate allegations.  
26  
27  
28



1           6.       On or about August 27, 2018, Plaintiff was the operator of a 1996 Lincoln Town Car  
2 traveling Northbound on Martin Luther King approaching the intersection of Trade Ave.

3           7.       At said time and place, Defendant FUHRIMAN, while in the course and scope of his  
4 employment with Defendant DP CURTIS, was the operator of a large 2015 Kenworth T680 Tractor  
5 Trailer, License Plate A019422, owned and/or leased by Defendant DP CURTIS was traveling  
6 westbound, exiting a private driveway on Trade Ave.

7           8.       At the said time and place, Defendant FUHRIMAN failed to notice Plaintiff traveling  
8 northbound entering the intersection with Trade Ave, causing the left side of the vehicle to strike the  
9 front end of the Plaintiff's vehicle.  
10

11          9.       At the time of the collision described herein, Defendant, FUHRIMAN, drove his  
12 vehicle in violation of the known rules of safety and negligently failed to pay proper attention while  
13 driving, failed to keep proper lookout, failed to reduce speed, failed to yield the right of way to  
14 Plaintiff and was otherwise acting carelessly, negligently, and recklessly in causing the collision  
15 described herein.

16          10.      Defendant FUHRIMAN's acts and omissions at the time of the collision herein  
17 complained of and immediately prior thereto constitute negligence per se in violation of NRS  
18 484B.257(1)(2) by failing to yield to the right of way of traffic.  
19

20          11.      Defendant FUHRIMAN's acts and omissions at the time of the collision herein  
21 complained of an immediately prior thereto constitute negligence and carelessness.

22          12.      Defendant's negligence was the proximate cause of the Plaintiff's damages as herein  
23 alleged.  
24

25          13.      At the time of the accident described above, Defendant FUHRIMAN was an agent  
26 and servant of Defendant DP CURTIS and was in the course and scope of his employment for  
27 Defendant DP CURTIS.  
28

1           14. All liability of Defendant FURHIMAN is imputed to Defendant DP CURTIS under  
2 the doctrine of Respondeat Superior.

3           15. As a result of the employment relationship existing between Defendant FUHRIMAN  
4 and Defendant DP CURTIS at the time of the collision, Defendant DP CURTIS is vicariously liable  
5 for the negligent acts of Defendant FUHRIMAN pursuant to NRS 41.130 and NRS 41.031

6           16. As a direct and proximate result of Defendants, and each of them, negligence and  
7 carelessness and/or recklessness, Plaintiff sustained severe bodily trauma, all or some of which may  
8 be permanent and disabling in nature, all to her general and compensatory damage, in an amount in  
9 excess of \$15,000.00. In addition, Plaintiff was required to incur expenses for medical care,  
10 treatment and expenses incidental thereto, all to her detriment, in an amount unknown at this time,  
11 and may be required in the future to incur expenses for medical care and treatment, including  
12 surgery, physicians, nurses, physical therapists, hospitalization, x-rays, medicine and general  
13 medical care in an amount not yet ascertained, and in this regard Plaintiff prays leave of the Court to  
14 insert all said damages herein when the same have been fully ascertained or proven at the time of  
15 trial herein.  
16

17  
18           17. That, as a direct and proximate result of Defendant's negligence and carelessness  
19 and/or recklessness, Plaintiff has endured pain and suffering, worry, anxiety, emotional distress, loss  
20 of enjoyment of life, and will continue to endure said losses for an indefinite period of time in the  
21 future, in an amount in excess of \$15,000.00, and in this regard Plaintiff's pray leave of the Court to  
22 insert all said damages herein when the same have been fully ascertained or proven at the time of  
23 trial herein.  
24

25           18. That as a further direct and proximate result of the aforesaid negligence of Defendant,  
26 Plaintiff has incurred additional damages, such as lost income, loss of earning capacity, and other  
27 incidental damages in a sum to be determined at the time of trial.  
28



1           19. That it has been necessary for Plaintiff to retain the services of counsel to represent  
2 her interests in the above-entitled matter, and that she should be awarded reasonable attorney's fees  
3 and costs.

4           **WHEREFORE**, Plaintiff requests from this Honorable Court judgment against the  
5 Defendants, and each of them, as follows:

- 6           1) General and compensatory damages in an amount in excess of \$15,000.00;  
7  
8           2) Damages for medical care and treatment and incidental expenses incurred and to be  
9 incurred in excess of \$15,000.00, the exact amount of which will be determined at trial;  
10          3) Damages for lost earnings and earning capacity;  
11          4) For costs and fees of this action, including reasonable attorney's fees; and  
12          5) For such other and further relief as is just and proper.

13  
14  
15 DATED this 7<sup>th</sup> day of January 2020.

16  
17 **BOLEY & ALDABBAGH LTD.**

18  
19 By /s/ Joshua Aldabbagh /  
20 JOSHUA U. ALDABBAGH, ESQ.  
21 1900 E. Bonanza Road  
22 Las Vegas, Nevada 89101  
23 Telephone: (702) 435-3333  
24 Facsimile: (702) 475-6567  
25 *Attorney for Plaintiff*  
26  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to N.R.C.P. 5 (a) and EDCR 7.26(a), I hereby certify that I am an employee of BOLEY & ALDABBAGH, LTD., and that on this 7<sup>th</sup> day of January 2020, a true and correct copy of the foregoing PLAINTIFF'S COMPLAINT was served upon the following:

- ☒ Via First Class U.S Mail, postage prepaid  
☐ Via Facsimile  
☐ Via Hand-Delivery  
☐ Via Electronic Service pursuant to Rule 9 of the NEFCR (Administrative Order 14-2)

**Blake Robert FUHRIMAN**  
**233 E 400 N**  
**Monroe, UT 84754**

**DP Curtis Trucking Inc.**  
**1450 S SR 118**  
**Richfield, UT 84701**

/s/ Jenell Schulte /  
An employee of  
BOLEY & ALDABBAGH, LTD.



## **EXHIBIT B**

**Affidavit of Service Re: DP Curtis  
Trucking, Inc. filed February 11, 2020**

**EXHIBIT B**

Electronically Filed  
2/11/2020 2:48 PM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

BOLEY AND ALDABBAGH, LTD.  
1900 E. BONANZA RD.  
LAS VEGAS, NEVADA 89101  
702-435-3333  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

ELIZABETH BRACY,

Case No.: A-20-808041-C

Plaintiff,

Dept. No.: 23

vs.

BLAKE ROBERT FUHRIMAN, individually,  
et al.,

Defendant.

**AFFIDAVIT OF SERVICE RE: DP CURTIS TRUCKING, INC., A UTAH CORPORATION**

State of UTAH  
County of SEVIER

*Troy Morgan*  
~~Nathan Curtis~~, first being duly sworn deposes and says: that at all times herein, affiant was and is a citizen of the United States, over 18 years of age, and not a party to or interested in the proceeding in which this affidavit is made.

That affiant received one copy of the SUMMONS AND COMPLAINT.

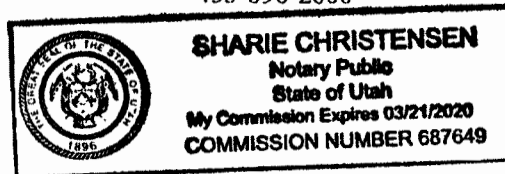
That affiant served the defendant DP Curtis Trucking, Inc., a Utah Corporation, by serving Dent P. Curtis, Registered Agent, at 1450 S SR 118, Richfield, UT 84701 on 01/22/2020 at 10:10 am by leaving documents with Stephanie Proctor, Receptionist, pursuant to N.R.S. 14.020.

Service was made outside the State of Nevada, not subject to NRS 14.025.

Subscribed and Sworn to me this  
4th day of FEBRUARY 2020.

*Troy Morgan*  
NATHAN CURTIS *Troy Morgan*  
SEVIER COUNTY SHERIFF'S OFFICE  
835 E 300 N SUITE 200  
RICHFIELD, UTAH 84701  
435-896-2600

*Sharie Christensen*  
Notary Public



## **EXHIBIT C**

**Affidavit of Service Re: Blake Robert  
Fuhriman filed February 11, 2020**

**EXHIBIT C**

Electronically Filed  
2/11/2020 2:48 PM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

BOLEY AND ALDABBAGH, LTD.  
1900 E. BONANZA RD.  
LAS VEGAS, NEVADA 89101  
702-435-3333  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

ELIZABETH BRACY,

Plaintiff,

vs.

BLAKE ROBERT FUHRIMAN, individually,  
et al.,

Defendant.

Case No.: A-20-808041-C

Dept. No.: 23

**AFFIDAVIT OF SERVICE RE: BLAKE ROBERT FUHRIMAN, INDIVIDUALLY**

State of UTAH  
County of SEVIER

*Troy Morgan*

~~Nathan Curtis~~, first being duly sworn deposes and says: that at all times herein, affiant was and is a citizen of the United States, over 18 years of age, and not a party to or interested in the proceeding in which this affidavit is made.

That affiant received one copy of the SUMMONS AND COMPLAINT.

That affiant served the defendant Blake Robert Fuhriman, individually, at 233 E 400 N, Monroe, Utah 84754 on 01/22/2020 at 1:40 pm by leaving documents with Chelsea Fuhriman, wife/co-resident.

Service was made outside the State of Nevada, not subject to NRS 14.025.

Subscribed and Sworn to me this  
4<sup>th</sup> day of FEBRUARY 2020.

*Sharie Christensen*  
Notary Public

*Troy Morgan*  
NATHAN CURTIS *Troy Morgan*  
SEVIER COUNTY SHERIFF'S OFFICE  
835 E 300 N SUITE 200  
RICHFIELD, UTAH 84701  
435-896-2600

